

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 ) MUR 5879  
Harry Mitchell for Congress and John )  
Bebbling, in his official capacity as )  
treasurer, Democratic Congressional )  
Campaign Committee and Jonathan S. )  
Vogel, in his official capacity as treasurer )

**CERTIFICATION**

I, Darlene Harris, recording secretary of the Federal Election Commission executive session, do hereby certify that on April 13, 2010, the Commission took the following actions in the above-captioned matter:

1. **Failed by a vote of 3-3 to pass a motion to:**
  - a) Enter into conciliation with the Democratic Congressional Campaign Committee and Jonathan S. Vogel, in his official capacity as treasurer, prior to a finding of probable cause to believe to settle violations of 2 U.S.C. §§ 441a(a) and 434 (b).
  - b) Find no reason to believe that Harry Mitchell for Congress and John Bebbeling, in his official capacity as treasurer, violated 2 U.S.C. §§ 441a(a) and 434 (b).
  - c) Approve the proposed conciliation agreement with the Democratic Congressional Campaign Committee and Jonathan S. Vogel, in his official capacity as treasurer, as recommended in General Counsel's Report #2 dated December 1, 2009,
  - d) Approve the Factual and Legal Analysis, as recommended in General Counsel's Report #2 dated December 1, 2009.
  - e) Approve the appropriate letters.

Commissioners Bauerly, Walther and Weintraub voted affirmatively for the motion. Commissioners Hunter, McGahn II and Petersen dissented.

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2. Decided by a vote of 6-0 to:

a) Find no reason to believe that Harry Mitchell for Congress and John Bebbling, in his official capacity as treasurer, violated 2 U.S.C. §§ 441a(a) and 434(b).

b) Close the file in MUR 5879.

c) Send the appropriate letters.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther and Weintraub  
voted affirmatively for the decision.

Attest:

April 15, 2010  
Date

Darlene Harris  
Darlene Harris  
Acting Secretary of the Commission

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